

6



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

20

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/831,845 04/01/97 CALDER

B P2167/SUN1P1

022434

TM02/0605

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY CA 94704-0778

EXAMINER

BULLOCK JR., L

ART UNIT

PAPER NUMBER

2151

DATE MAILED:

06/05/01

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY

SMY

Office Action Summary

Application No.

08/831,845

Applicant(s)

CALDER ET AL.

Examiner

Lewis A. Bullock, Jr.

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 April 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 8, 9, 12-16, and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over COLWELL (us 5,303,361) as detailed in paper no. 13, dated 12/06/00, item 2.

Claims 3, 7, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over COLWELL (US 5,303,361) in view of PAYNE (US 6,021,433) as detailed in paper no. 13, dated 12/06/00, item 3.

Claims 4, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over COLWELL in view of PAYNE as applied to claim 3 above, and further in view of "The Java Language Environment" by SUN as detailed in paper no. 13, dated 12/06/00, item 4.

Response to Arguments

Applicant's arguments filed 4/20/01 have been fully considered but they are not persuasive.

Applicant argues that Colwell does not teach a data handler mechanism arranged to interface with an application. The examiner disagrees. Colwell teaches a user interface module which coordinates the actions between the user and other modules in the system (col. 3, lines 30-36). Applicant has stated in his arguments that

Art Unit: 2151

the application can be a file manager or an electronic mail application wherein if the application is a file manager, then the names and the icons for files are collected and presented to the user (response , pg. 2, lines 6-19). Colwell shows in figures 7 through 11 that the names of files are collected and presented to the user for display.

Therefore, Colwell adequately teaches a data handler mechanism arranged to interface with an application.

Applicant argues Colwell does not teach the data handler mechanism is in communication with the data retriever mechanism (response, pg. 2, lines 20-23). The examiner disagrees. Colwell teaches the user interface module is connected to an index module wherein when a search request is received by the user interface module, the index module indexes all of the words in the search request and checks the index files for occurrences of the indexed words (col. 5, lines 25-34). Therefore, Colwell adequately teaches the data handler mechanism in communication with the data retriever mechanism.

Applicant argues that Colwell does not teach returning the command object to the application (response, pg. 2, lines 24-30). The examiner disagrees. Colwell teaches that when the user selects a data file, the viewers bid on the data file and one viewer displays the data file (col. 5, lines 35-48). It would be obvious that since the user has to view the data file then the viewer which has won the bid would be sent to the user for viewing the data file. Therefore, the command object is returned to the application. Therefore, the rejection will be maintained.

Conclusion

This is a continuation of applicant's earlier Application No. 08/831,845. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached between 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alvin E. Oberley can be reached on (703) 305-9716. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

Application/Control Number: 08/831,845

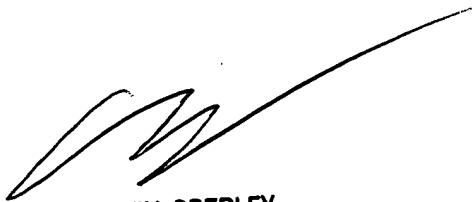
Page 5

Art Unit: 2151

305-9731 for regular communications and (703) 305-9731 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0286.

June 4, 2001



ALVIN OBERLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100